

FILED
Clerk
District Court

OCT - 9 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE MARIANA ISLANDS

UNITED STATES OF AMERICA

)

Plaintiff,

) **CASE NO: 04-00017**

vs.

)

CRISPIN ATALIG TAITANO

) **MOTION IN RESPONSE TO GOVERNMENTS**
MOTION DENYING DEFENDANT RIGHT TO
A HEARING CONCERNING GARNISHMENT

Defendant.

For The Northern Mariana Islands
By _____
(Deputy Clerk)

COMES NOW the defendant Crispin Atalig Taitano, before this honorable court and asks this court to understand and realize that the defendant has been fighting for his constitutional rights and liberties before the court. The Government has interpreted the defendant's brief and previous motions incorrectly. The defendant Crispin Atalig Taitano is not attempting to challenge the \$ 10.000 dollar restitution fee, or the \$ 100.00 dollar assessment fee.

This defendant has been charged a unconstitutional **incarceration fee**. The defendant received an order in and around the 10th day of September, 2007. The order to the defendant stated: Submit Affidavid in Support of Claimed Exemptions. The Government and District Court of the Northern Mariana Islands is fully aware that their actions have been unethical to say the least. The defendant's bank account was Garnished without the defendant's knowledge.

The defendant signed a plea agreement and plead guilty to a fine of \$ 10.000 dollars, and also a \$ 100.00 dollar assessment fee. Three months later after the sentencing proceedings is the first time that the defendant was aware that the court imposed a furtune of additional expenses to the defendant. Under the retirement Annuity Law 1 CMC Section 8383 (a) of the Northern Mariana Islands Retirement Fund Act of 1988,

States:

The right to a Retirement Annuity, Disability Annuity, Survivors Annuity or benefits, Death Benifit, or any other benefit under the provisions of this part, by what ever name called, or the right to refund, is personal with recipient therefore, and the assignment or transfer of a benefit or any part therfore, shall be voided, except as herein provided; Any such Annuity, benefit or refund shall not answer for debts contracted by the person receiving the same, except as herein provided. It is the intention of this part that they shall not attached or affected by any JUDICIAL PROCEEDINGS, except as herein provided. This Statue clearly shows that the court has no right to Garnish the defendant's retirement fund.

The defendant is not disputing the restitution fine imposed by the District court. The defendant is disputing the entire amount associated with the Incarceration fee imposed by the Government outside of the court of law. Also the defendant is in dispute of the entire amount of the Supervised release fee, that is being Garnished unconstitutionally. The defendant is still incarcerated and must be released from prison before this fine can be imposed. Also the defendant's account was Garnished unconstitutionally. The Government charged the defendant for funds not even tabulated at this time. The defendant has more than 13 months left in prison and the Government has charged the defendant money for time not even spent in prison.

The Government continues to send information to the defendant giving the defendant a chance to have a hearing before the court, but when the defendant agree's that a hearing is necessary, the Government sends a notice from the District Court stating that the Government is not interested in giving the defendant the right to a hearing. The Government must follow the laws imposed by the constitution of the United States. The defendant is entitled to a hearing by law.

So that this incarceration fee imposed after the conviction process in the court of law can be challenged. The Government in this case is acting as Judge, Jury, and executioner which is against the Constitution of the United States and is also against the 6th Amendment guaranteed by the Constitution to and for the defendant. The defendant would like to give the Government an opportunity to follow the same laws they so strongly impose.

The defendant is entitled to a hearing. And a competent attorney. In this case as a whole the Government has continued to deny this defendant his constitutional rights. Since the Government has Garnished all of the defendant's assets the defendant will need counsel to facilitate the hearing that must take place in the near future. The finances that have been Garnished from this defendant was taken unjustly. The United States Sentencing Guidelines state clearly that the guidelines as promulgated by the United States Congress, purposes to establish sentencing policies and practices, assure meeting of the purposes of set forth in 18 U.S.C 3553 (a) (2), provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities.

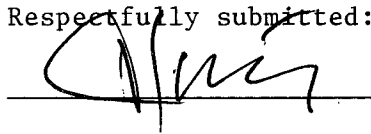
The sentence imposed is to a) reflect the seriousness of the offense....., promote respect for the law, and to provide just punishment of the offense; b) ...deference to criminal conduct; c) Protect the public. d) To provide the defendant with needed educational or vocational training, medical care or other correctional treatment.... Again note that there is no reference to Supervised release. again controlling section 18 U.S.C. 3551 Authorized sentences does not authorize supervised release in any fashion.

The defendant simply cited the last section for the court to see clearly that there is nothing in the statutes that back up the courts actions, to Garnish the defendant's total assets. The section states fairness and just punishment of the offense. The defendant's offense does not warrant that the court take all of the defendant's finances. What is the criteria for the defendant to be imposed a incarceration fee?

CONCLUSION

The defendant prays that the Honorabe Court grant this motion and follow the great laws of this country. The defendant is only asking that the court grant him the right to a hearing to challenge the Garnishments that have taken place without the defendant being able to have a fair hearing. The defendant should have a chance to fight for the assets that the Government is unjustly taking. This defendant would of never signed a plea agreement if the defendant was aware that the punishment in this case was 5 years imprisonment and more than \$ 135,000 dollars in fines and incarceration fee's.

Respectfully submitted:

A handwritten signature in black ink, appearing to be 'F.C.I. Safford', written over a horizontal line.

F.C.I. SAFFORD
P.O BOX 9000
SAFFORD, AZ 85548

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I have served an accurate copy of the attached MOTION IN RESPONSE TO GOVERNMENTS

MOTION DENYING DEFENDANT RIGHT TO

HEARING CONCERNING GARNISHMENT

upon the following party (ies):

CLERK OF THE COURT

UNITED STATES DISTRICT COURT

FOR THE NORTHERN MARIANA ISLANDS

P.O. BOX 500687

SAIPAN, MP 96950

postage prepaid, by placing same in the Bureau of Prisons' mailing system, on the date set forth below.

DATED: OCTOBER 1, 2007.
Safford, Arizona